IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.690 OF 2004

Sanjiv Taktawala. ... Petitioner
v/s.
The Union of India & ors. ... Respondents

W I T H

WRIT PETITION NO.691 OF 2004

Ms.Malvika S. Taktawala. ... Petitioner
v/s.
Union of India & ors. ... Respondents

W I T H

WRIT PETITION NO.692 OF 2004

Sanjiv Taktawala. ... Petitioner
v/s.
Union of India & ors. ... Respondents

W I T H

WRIT PETITION NO.693 OF 2004

Malvika S. Taktawala. ... Petitioner
v/s.
Union of India & ors. ... Respondents

Mr.Sachin Chandarana i/by M/s.Manilal Kher Ambalal & Co. for petitioners.

Mr.S.M. Shah with Mr.Y.R. Mishra for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 7TH FEBRUARY 2005

P.C. :

1. Heard Mr.Chandarana for the petitioners in all the above petitions. Mr.Shah appears for the respondents.

2. All the above petitions are challenging the letters / orders / certificates issued by the appropriate Authority of the Enforcement Directorate of Ministry of Commerce whereunder various amounts of penalty are levied against the petitioners for contravention of the provisions of Foreign Trade (Development & Regulation) Act, 1992. An appeal is available against these orders to the Appellate Authority. The period for filing an appeal has however expired. Mr.Chandarana appearing for the petitioners states that the petitioners will file the statutory appeals. However, the delay in filing the appeals be condoned by this Court.

3. Mr.Shah appearing for the respondents states that the petitioners should file these appeals at the earliest and in any case, not beyond two weeks from today. If the petitioners

are so willing to file the appeals, he has instructions to leave it to the Court to pass appropriate orders.

4. Mr.Chandarana states that the appeals will be filed within two weeks. If such appeals are filed within two weeks, the Appellate Authority will not reject them only on the ground of delay. Needless to state that in the meanwhile the impugned notices will not be enforced. There is a provision for deposit when any such appeal is filed. That will, however, be for the petitioners to apply to the Appellate Authority and it is for the Appellate Authority to decide as to whether the deposit should be insisted on or should be dispensed with or reduced in any manner whatsoever. All the above petitions stand disposed of with this order.

5. We clarify that in the event the appeals are not filed within two weeks, it will be open to the respondents to enforce the notices which are impugned in the petitions.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)